

**CLAIM LISTING**

1-7. (canceled)

8. (currently amended)The method of ~~claim 4~~ claim 9 wherein the step of determining if the first frame rate was in error comprises the step of determining if the first frame was a signaling frame.

9. (currently amended)A method comprising the steps of:  
receiving a first frame;  
determining a first frame rate for the first frame;  
decoding the first frame according to the first frame rate to produce a speech decoder filter state;  
receiving a second frame;  
determining a second frame rate for the second frame;  
determining, based on the second frame rate, if the first frame rate was in error to produce an error determination; and  
updating ~~a state of a speech decoder filter~~ the speech decoder filter state based on the error determination to produce an updated speech decoder filter state;  
decoding the second frame using the updated speech decoder filter state.

10. (currently amended)The method of claim 9 wherein the step of determining, based on the second frame rate, if the first frame rate was in error comprises the step of determining if a transition from the first frame rate to the second frame rate was invalid for not conforming to pre-defined, vocoder, rate-transition rules.

11. (original) The method of claim 9 wherein the step of determining the first frame rate comprises the step of determining a full rate frame and the step of determining the second frame rate comprises the step of determining an 8<sup>th</sup> rate frame.

12. (original) The method of claim 9 wherein the step of determining the first frame rate and the second frame rate comprises the step of determining frame rates from a group consisting of full, half, quarter, and eighth frame rates.

13. (currently amended) The method of claim 9 wherein the step of ~~updating the state of the speech decoder filter~~ updating the speech decoder filter state comprises the step of resetting the state of the speech decoder filter.

14. (currently amended) The method of claim 9 wherein the step of ~~updating the state of the speech decoder filter~~ updating the speech decoder filter state comprises the step of updating the state of a filter from a group consisting of a pitch filter, a vocal tract filter, and a post filter.

15-20. (canceled)

21. (currently amended) The method of ~~claim 4~~ claim 9 wherein the step of ~~updating the state of the speech decoder filter~~ updating the speech decoder filter state comprises the step of resetting at least one memory from the group consisting of an adaptive codebook excitation memory, a postfilter synthesis memory, and a vocal tract filter memory.

22. (previously presented) The method of claim 8, wherein the step of determining if the first frame rate was in error comprises the step of determining that the first frame rate was not in error, if the first frame was determined to be a signaling frame.